



House of Representatives

File No. 884

General Assembly

January Session, 2011

(Reprint of File No. 107)

Substitute House Bill No. 6453
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
June 2, 2011

AN ACT ESTABLISHING A TASK FORCE TO STUDY GRANDPARENTS' VISITATION RIGHTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) There is established a task force
2 to study issues related to visitation rights for grandparents. Such study
3 shall include, but not be limited to, an examination of (1) the legal and
4 social issues related to grandparents' access to visitation, (2) the impact
5 of the loss of contact on families, (3) social supports to promote the
6 continuation of these relationships, and (4) legislative proposals that
7 are consistent with the state constitution.

8 (b) The task force shall consist of the following members:

9 (1) One appointed by the speaker of the House of Representatives,
10 who shall be a representative of an advocacy group representing the
11 interests of grandparents seeking visitation rights;

12 (2) One appointed by the president pro tempore of the Senate, who
13 shall be a representative of an advocacy group representing the

14 interests of children;

15 (3) One appointed by the majority leader of the House of
16 Representatives, who shall be a representative of a Connecticut legal
17 services program and who has experience working in family law;

18 (4) One appointed by the majority leader of the Senate, who shall be
19 a representative of the family law section of the Connecticut Bar
20 Association;

21 (5) Three appointed by the minority leader of the House of
22 Representatives, one who shall be an attorney who has experience
23 representing the interests of parents and two who shall be chosen from
24 the ranking members of the joint standing committees of the General
25 Assembly having cognizance of matters relating to aging or the
26 judiciary or of the select committee of the General Assembly having
27 cognizance of matters relating to children;

28 (6) Three appointed by the minority leader of the Senate, one who
29 shall be a social work professional and two who shall be chosen from
30 the ranking members of the joint standing committees of the General
31 Assembly having cognizance of matters relating to aging or the
32 judiciary or of the select committee of the General Assembly having
33 cognizance of matters relating to children;

34 (7) The chairs of the joint committee of the General Assembly
35 having cognizance of matters relating to aging, or their designees;

36 (8) The chairs of the joint committee of the General Assembly
37 having cognizance of matters relating to the judiciary, or their
38 designees;

39 (9) The chairs of the select committee of the General Assembly
40 having cognizance of matters relating to children, or their designees;

41 (10) A representative of the family law division of the Judicial
42 Branch; and

43 (11) The Commissioner of Children and Families, or the
44 commissioner's designee.

45 (c) Any member of the task force appointed under subdivision (1),
46 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
47 of the General Assembly.

48 (d) All appointments to the task force shall be made not later than
49 thirty days after the effective date of this section. Any vacancy shall be
50 filled by the appointing authority.

51 (e) The speaker of the House of Representatives and the president
52 pro tempore of the Senate shall select the chairpersons of the task
53 force, from among the members of the task force. Such chairpersons
54 shall schedule the first meeting of the task force, which shall be held
55 not later than sixty days after the effective date of this section.

56 (f) The administrative staff of the Commission on Aging shall serve
57 as administrative staff of the task force, within available
58 appropriations.

59 (g) Not later than February 1, 2012, the task force shall submit a
60 report on its findings and recommendations, including any
61 recommendations for legislation to enhance visitation rights for
62 grandparents, to the joint standing committees of the General
63 Assembly having cognizance of matters relating to aging and the
64 judiciary and to the select committee of the General Assembly having
65 cognizance of matters relating to children, in accordance with the
66 provisions of section 11-4a of the general statutes. The task force shall
67 terminate on the date that it submits such report or February 1, 2012,
68 whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Various State Agencies	GF - Cost	Less than 5,000	Less than 5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a task force to study issues related to visitation rights for grandparents. Agencies would incur minimal costs, estimated to be less than \$5,000, associated with mileage reimbursement of 51 cents per mile for legislators and agency staff (who seek reimbursement) participating on the task force.

House "A" struck the underlying bill and its associated fiscal impact and results in the impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6453 (as amended by House "A")******AN ACT CONCERNING GRANDPARENTS' VISITATION RIGHTS.*****SUMMARY:**

This bill establishes an 18-member task force to study issues related to visitation rights for grandparents and submit a report on its findings and recommendations to the Aging Committee by February 1, 2012.

Existing law allows grandparents and other third parties to petition for the right to visit a minor; and the court may grant the request, subject to conditions and limitations it deems equitable.

*House Amendment "A" replaces the original bill (File 107), which required the court to grant visitation rights to grandparents and other third parties who demonstrate, by a preponderance of the evidence, that (1) they have a parent-like relationship with the child and (2) the child will suffer real and substantial harm if visitation is denied.

EFFECTIVE DATE: Upon passage

GRANDPARENTS VISITATION RIGHTS' TASK FORCE DUTIES

The task force must study issues related to visitation rights for grandparents. These include:

1. legal and social issues related to grandparents' access to visitation,
2. impact of the loss of contact on families,
3. social supports to promote the continuation of these relationships, and

4. legislative proposals that are consistent with the state constitution.

TASK FORCE MEMBERSHIP

The task force consists of the chairpersons of the Aging, Children, and Judiciary committees, or their designees; a representative of the family law division of the Judicial Branch; the commissioner of Children and Families, or her designee; and the following 10 appointed members, who may be legislators:

Table 1: Task Force Appointed Members

<i>Appointing Authority</i>	<i>Number</i>	<i>Representation or Qualification</i>
House speaker	1	Advocacy group representing the interests of grandparents seeking visitation rights
Senate president pro tempore	1	Advocacy group representing the interests of children
House majority leader	1	Connecticut legal services program with experience working in family law
Senate majority leader	1	Family law section of the Connecticut Bar Association
House minority leader	3	<ul style="list-style-type: none"> one attorney with experience representing parents two ranking members of the Aging, Children, or Judiciary committees
Senate minority leader	3	<ul style="list-style-type: none"> one social work professional two ranking members of the Aging, Children, or Judiciary committees

Appointments to the task force must be made not later than 30 days after the bill's passage. The House speaker and Senate president pro tempore must select two of the members to serve as chairpersons, and the chairpersons must schedule the first meeting not later than 60 days after the bill takes effect. Any task force vacancy must be filled by the appointing authority.

The Aging Committee staff must serve as administrative staff, within available appropriations.

Report

The task force must submit its findings and recommendations, including any recommendations for legislation to enhance grandparents' visitation rights, to the Aging, Children, and Judiciary committees by February 1, 2012. It terminates when it submits its report or on February 1, 2012, whichever is later.

BACKGROUND***Supreme Court Case on Visitation***

In *Roth v. Weston*, a maternal grandmother and aunt petitioned under CGS § 46b-59 for visitation with children whose father had terminated it after the children's mother committed suicide (*Roth v. Weston*, 259 Conn. 202 (2002)). The relatives claimed that visitation was in the children's best interest, although they did not contend that the father was not a fit parent. In his response, the father presented reasons why he believed visitation was not in the children's best interest.

The trial court granted the petition but the Connecticut Supreme Court reversed. It ruled that CGS § 46b-59 would be unconstitutional unless it required any third party, including a grandparent or a great-grandparent, seeking visitation to make specific and good-faith allegations that (1) a parent-like relationship exists between the child and the person seeking visitation and (2) denial of the visitation will cause real and significant harm to the child. That degree of harm requires more than a determination that visitation would be in the child's best interest. It must be a degree of harm analogous to a claim that the child is neglected, uncared-for, or dependent within the meaning of Connecticut's child abuse statutes. (*Roth v. Weston*, 259 Conn. 202, 234-235 (2001)).

Once these high jurisdictional hurdles are overcome, the petitioner must prove the allegations by clear and convincing evidence. Only if that enhanced burden of persuasion has been met may the court enter an order of visitation.

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/10/2011)

Judiciary Committee

Joint Favorable

Yea 22 Nay 14 (04/26/2011)

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 2 (05/19/2011)